

**Notice of Allowability**

Application No.

10/027,035

Examiner

John M. Winter

Applicant(s)

BATTAGLINI ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 17, 2007.
2. ☒ The allowed claim(s) is/are 34-39, 41-47, 51-63 and 65.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None, of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Steinberger on September 28, 2007.

#### **Claim 34**

A method for sending cash money transfers at anytime from anyone to a remotely located party, comprising the steps of:

- providing a sender with available funds, the available funds being selected from one of: a credit card of the sender and a debit card of the sender, wherein the sender is adapted to be solely a human-sender;

- providing a recipient being remotely located from the sender, wherein the recipient is adapted to be solely a human-recipient, wherein the sender and the recipient are different from one another;

- communicating an unplanned request for cash funds from the remotely located recipient to the sender;

- providing a toll free telephone number to a remotely located IVR(interactive voice response) computer system;

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connecting the sender to the IVR(interactive voice response) computer system by a communication medium using the toll free telephone number, the communication medium being selected from one of a touchtone-phone and a computer modem, the IVR system receives multiple simultaneous calls from different senders and prompts each sender to enter transfer authorization data, the IVR system processes the data in automated modes with software and converts the data to language of existing banks, processors, processing networks and clearing houses, and the IVR system processes the transfer with transmission lines and electronic mediums, the electronic mediums being different from the communication medium;

providing a national bank escrow account for a Cash Card, the Cash Card having a magnetic stripe, wherein the Cash Card is solely used for paying out cash transfers;

providing the recipient with the Cash Card ~~a recipient card having a magnetic stripe and a PIN number, the recipient card being selected from one of: a credit card of the recipient, a debit card of the recipient, and the Cash Card with magnetic stripe~~ solely for paying out cash transfers;

authorizing a transfer of cash to the recipient-card by the sender entering responses to automated prompts from the remotely located IVR system, solely through the connection medium;

transferring the cash from accessible funds of the sender to the recipient-card by the sender solely using the connection medium and the IVR system;

providing a remotely located automated terminal, the terminal being selected from one of an existing ATM(automatic teller machine) and an existing POS(point of sale terminal);

physically presenting the recipient-card by the recipient to the remotely located automated terminal; and

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physically retrieving the cash by the recipient using the PIN number along with the recipient-card having the magnetic stripe at the remotely located ~~automatic~~-automated terminal; and

repeating the above steps between the different senders and different recipients ~~for~~ causing simultaneous cash money transfers from the different senders and the different recipients.

Claim 35

The method of Claim 34, wherein the communication medium is solely a ~~touchtone~~the phone with the sender using the toll-free number on the ~~touchtone~~-phone.

Claim 40 (Canceled).

Claims 48-50 (Canceled).

Claim 51

The method of Claim 34, ~~wherein the recipient card is a Cash Card, the method further~~ comprising the step of:

automatically and virtually simultaneously transferring the cash transferred to the recipient plus a reserve for a terminal charge, from the available funds of the sender to the national bank escrow account so that the bank escrow account temporarily holds the cash.

Claim 58.

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The method of Claim 34, wherein the method of the sending cash money transfers is not in response to a pre-existing transactional relationship between the sender and the recipient, and wherein the method of the sending cash money transfers is not from a sales transaction where a seller receives payment from a buyer, ~~and wherein the method of the sending cash money transfers is not a Money Gram transfer, and wherein the method of the sending cash money transfers is not a Western Union transfer,~~ and wherein the method of sending cash money is not a "wire transfer" and wherein the method of sending cash money does not require a pre-existing account link with the existing ATM .

Claim 61.

A method ~~process~~ for transferring money funds from senders to recipients, each sender adapted to be solely a human-sender, and each recipient adapted to be solely a human-recipient, consisting of the steps of:

providing each sender with available funds, the available funds being selected from one of: a credit card of the sender and a debit card of the sender;

providing a toll free telephone number to a remotely located IVR(interactive voice response) computer process ;

providing for each recipient to remotely communicate an unplanned request to the sender for emergency cash, the recipient being different from the sender and the recipient being physically located apart from the sender;

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connecting the sender to the remotely located IVR computer process by a connection medium using the toll free number in response to the communicated request, the connection medium being selected solely from one of a ~~touchtone~~ phone and a computer modem;

providing a national bank escrow account for a Cash Card, the Cash Card having a magnetic stripe, wherein the Cash Card is solely used for paying out cash transfers;

providing the recipient with the Cash Card ~~a recipient card having a magnetic stripe and PIN number, the recipient card being selected from one of: a credit card of the recipient, and a debit card of the recipient, and the Cash Card with magnetic stripe card~~ for solely paying out cash transfers;

determining cash to distribute to the recipient-card by the sender entering responses to ~~automatic~~ automated prompts from the remotely located IVR system, solely through the connection medium and the IVR computer process ;

physically presenting the recipient-card by the recipient to a remote automated terminal, the remote automated terminal being solely selected from at least one of: an existing ATM (automated teller machine) and an existing POS (point of sale terminal);

transferring the cash from accessible funds of the sender to the national bank escrow account by the sender solely using the connection medium and the IVR computer process ;

physically retrieving the cash transferred to the recipient-card by the recipient at the remote terminal presenting the recipient-card and PIN; and

providing that no business and transaction information will be conveyed by the sender to the recipient since the recipient is in possession of both the recipient-card and the PIN number associated with the recipient-card, wherein the method for transferring of the money funds is not

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in response to a pre-existing transactional relationship between the sender and the recipient, and wherein the method for transferring of the cash is not from a sales transaction where a seller receives the payment from a buyer, ~~and wherein the method for transferring the money funds is not a money gram, and wherein the method for transferring the cash is not a Western Union transfer, and wherein the process of sending cash is not a "wire transfer" and wherein the process of sending cash money does not require a pre-existing account link with the existing ATM; and~~ repeating the above steps causing ~~for~~ simultaneous money fund transfers from the different senders and different recipients.

## Claim 63

The method ~~process~~ of claim 61, wherein the IVR computer process processes the transfer without any pre-established account link between the sender and the recipient, and wherein the IVR computer process processes the data in automated modes with software and converts the data to language of existing banks, processors, processing networks and clearing houses.

Claim 64(Canceled).

## Claim 65.

The method of Claim 61, wherein, the Cash Card includes:

a second magnetic stripe on a back side to be used as at least one of: a prepaid phone card, a credit card and a debit card.

***Response to Arguments***

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The Applicant's arguments filed on August 17, 2005 have been fully considered.

As per claims 34-39, 41-47, 51-63 and 65 the Examiner agrees that limitations of claims 34-39, 41-47, 51-63 and 65 are not disclosed in any prior art references.

*Allowable Subject Matter*

Claims 34-39, 41-47, 51-63 and 65 are allowed over the prior art record.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record Cohen et al. (US Patent 4,750,119) teaches a system for purchasing with a rebate card.

None of the art of record, taken individually or combination disclose at least the steps/components of: providing a national bank escrow account for a Cash Card, the Cash Card having a magnetic stripe, wherein the Cash Card is solely used for paying out cash transfers; providing the recipient with the Cash Card and a PIN number, solely for paying out cash transfers; authorizing a transfer of cash to the recipient-card by the sender entering responses to automated prompts from the remotely located IVR system, solely through the connection medium; transferring the cash from accessible funds of the sender to the recipient-card by the sender solely using the connection medium and the IVR system; providing a remotely located automated terminal, the terminal being selected from one of an existing ATM(automatic teller



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machine) and an existing POS(point of sale terminal); physically presenting the recipient-card by the recipient to the remotely located automated terminal; and physically retrieving the cash by the recipient using the PIN number along with the recipient-card having the magnetic stripe at the remotely located automated terminal; and repeating the above steps between the different senders and different recipients causing simultaneous cash money transfers from the different senders and the different recipients.

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of "repeating the above steps between the different senders and different recipients causing simultaneous cash money transfers from the different senders and the different recipients" is not common to ATM/wire transfer art; the examiner concludes that the additional step of "repeating the above steps between the different senders and different recipients causing simultaneous cash money transfers from the different senders and the different recipients" therefore would have to be disclosed by art not related to ATM /wire transfer functions and therefore is non-obvious.

Claims 34 and 61 are allowable for the above cited reasons.

Claims 35-39, 41-47, 51-60, 62-63 and 65 are dependant upon claims 34 and 61 respectively and are therefore allowable for at least the same reasons.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter



ANDREW J. FISCHER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600